

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

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| In the Matter of the Request of   | DOCKET TG-231036  |
| BASIN DISPOSAL OF WA LLC d/b/a BASIN DISPOSAL OF WALLA WALLA                | ORDER 01  |
| Seeking Less than Statutory Notice and Waiver from the WAC 480-07-900(5)(b) | GRANTING LESS THAN STATUTORY NOTICE; GRANTING EXEMPTION |

**BACKGROUND**

- 1 On January 19, 2024, Basin Disposal of WA LLC d/b/a Basin Disposal of Walla Walla (Basin Disposal or Company) filed with the Utilities and Transportation Commission (Commission) a petition requesting less than statutory notice (LSN) and a waiver from WAC 480-07-900(5)(b), seeking approval of a disposal fee increase.
- 2 RCW 81.28.050 states, a solid waste collection company may not make a change to any classification, rate, fare, charge, rule, or regulation except after forty-five days' notice to the commission and to the public.
- 3 WAC 480-07-900(5)(b) states, a company that requests a filing become effective on less than statutory or other required notice must make that request and a complete filing at least seven business days prior to the next regular open meeting to have the commission consider the filing at that meeting.
- 4 Commission staff (Staff) notes that on December 15, 2023, the Company filed tariff revisions for a disposal fee increase in docket TG-231036 and inadvertently did not include the Company prepared request for LSN to allow customers to be noticed per WAC 480-70-271(2)(a)(iii), which allows customers to be noticed on the first bill after Commission final action.
- 5 When it was discovered that the missing document was not there, Staff reached out to the Company and requested the LSN be sent through the Commission e-filing portal and for the Company to request a waiver to the Open Meeting WAC for LSN deadlines. The Company filed those documents the same day on January 19, 2024.

**DISCUSSION**

6 Pursuant to RCW 81.28.050, solid waste collection companies are required to give  
customers 45 days’ notice of any tariff changes unless the Commission orders  
otherwise. We agree in this case with Staff’s recommendation and grant the Company  
less-than-statutory notice treatment for its requested disposal fee increase.

7 We also find it appropriate to grant the Company a one-time exemption from WAC  
480-07-900(5)(b). Pursuant to WAC 480-07-110, the Commission may, in response to a  
request or on its own motion, grant an exemption from its own rules when “consistent  
with the public interest, the purposes underlying regulation, and applicable statutes.”  
Staff avers that it was able to review the Company’s filing despite its being submitted  
less than seven days prior to the open meeting. The Commission finds it consistent wit  
the public interest to grant the exemption in this instance. However, this treatment will  
not be granted in all cases.

**FINDINGS AND CONCLUSIONS**

8 (1) The Commission is an agency of the State of Washington vested by statute with  
the authority to regulate the rates, rules, regulations, practices, accounts,  
securities, transfers of property, and affiliated interests of public service  
companies, including solid waste collection companies.

9 (2) Basin Disposal is a solid waste collection company subject to Commission  
jurisdiction.

10 (3) On January 19, 2024, Basin Disposal filed a petition for less than statutory  
notice treatment and proposed tariff revisions reflecting a disposal fee increase.

11 (4) Staff recommends that the Commission grant less than statutory notice  
treatment.

12 (5) Staff also recommends that the Commission grant Basin Disposal an exemption  
from WAC 480-07-900(5)(b).

13 (6) This matter came before the Commission at its regularly scheduled meeting on  
January 25, 2024.

- 14 (7) After review of all relevant matters and for good cause shown, the Commission finds that Basin Disposal should be granted less than statutory notice, that the Company should be granted an exemption from WAC 480-07-900(5)(b), and that the proposed disposal fee increase should be allowed to take effect on February 1, 2024.

**ORDER**

**THE COMMISSION ORDERS:**

- 15 (1) After the effective date of this Order, Basin Disposal of WA LLC, d/b/a Basin Disposal of Walla Walla is granted a waiver from WAC 480-07-900(5)(b).
- 16 (2) After the effective date of this Order, Basin Disposal of WA LLC, d/b/a Basin Disposal of Walla Walla is granted less than statutory notice for customers to be noticed on the first bill as allowed in WAC 480-70-271(2)(a)(iii).
- 17 (3) The Commission retains jurisdiction over the subject matter and Basin Disposal of WA LLC d/b/a Basin Disposal of Walla Walla to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Lacey Washington, and effective January 25, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Kathy Hunter, Acting Executive Director and  
Secretary